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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6284 OF 2005

M/s.Topdom Marketing Private Limited & Anr. ... Petitioners

V/s.

The Grocery Markets & Shops Boards & Ors. ... Respondents

Mr.B.V.Bukhari for Petitioners
Mr.S.M. Chinchalkar for Respondent No.1
Mr.S.R. Nargolkar for Respondent No.2
Mr.K.S. Bapat for Respondent No.3

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 20, 2005**

P.C.:

. The Petition has been filed against the Industrial Court's order dated 22.8.2005. By this order, the Industrial Court has directed Respondent No.1 in the complaint i.e., the Petitioner No.1 herein not to terminate the services of 31 workmen listed in annexure A to the complaint without following due process of law till the disposal of the complaint. Respondent No.1 has been further restrained from getting its work of loading, unloading, thapi, delivery, shifting from any workers, other than the 31 workers listed in the Annexure A to the complaint, till the disposal of the complaint.

2. The Industrial Court has passed this order by way of interim relief in view of the order passed by the

Respondent-Board on 12.7.2004 directing the Petitioners to employ toli No.490 for the work of loading, unloading, thapi, delivery, shifting. It is this order of the Industrial Court which has been challenged in the writ petition. According to the Petitioners, they employ six workers who are the members of Respondent No.3 herein i.e., toli No.339. Besides this, they directly employ six other workers who are on the rolls of the company. The Board has found that from 2001 onwards although the six workers represented by Respondent No.3 were allotted for all kinds of Mathadi work including the work of "varai", the workers concerned are only carrying out the varai work and no other work. The order of the Board dated 12.7.2005 directs the Petitioners to employ toli No.490 represented by the Respondent No.3 Union. The Petitioners contend that the order of the Industrial Court foists unwanted workmen on them.

3. In my view, the directions given by the Industrial Court by way of interim relief would amount to final disposal of the complaint. Therefore, it would be necessary to modify the operative part of the order by passing the following order:

i) The Respondent No.1 i.e., the Petitioner No.1

herein shall not terminate the services of the 31 workmen listed in annexure A to the complaint without following the due process of law till the disposal of the complaint;

ii) Respondent No.1 i.e., Petitioner No.1 herein shall allot the work to toli No.339 consisting of six workers first. If there is any other mathadi work, the Respondent No.1 i.e., Petitioner No.1 herein shall get the work done through toli No.490 i.e., 31 workers listed in Annexure A to the complaint, which is represented by the complainant i.e., Respondent No.2 herein.

iii) The Respondent No.1 i.e., Petitioner No.1 herein will not provide mathadi work to workers who are not registered under the Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969.

iv) Wages will be paid by the Respondent No.1/Petitioner No.1 in accordance with the work done by the workmen whether of toli No.339 or 490.

4. Writ Petition is disposed off in the above terms. The Industrial Court shall dispose off the complaint expeditiously.